

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**WILBERT COOLEY &
KANDEE COOLEY,**

Plaintiffs,

vs.

Case No.: 06-215

**AMERIQUEST MORTGAGE COMPANY,
a Delaware Corporation, HERITAGE TITLE, LLC,
AND FICTITIOUS A – Z, inclusive,**

Defendants.

MOTION FOR RELIEF FROM PAYMENT OF MORTGAGE

COMES NOW, the Plaintiffs, by and through counsel, and respectfully submits the following motion from relief from payment of mortgage to Ameriqurest Mortgage Company. As grounds, Plaintiffs state the following:

1. The above lawsuit is based on the fraudulent and wanton conduct of Ameriqurest Mortgage when soliciting and obtaining a mortgage with Plaintiffs Wilbert and Kande Cooley.
2. The terms of said mortgage have created a financial hardship on Plaintiff, which persist to this date. Indeed, the terms of this mortgage are a vital part of the lawsuit presently pending before the Court.
3. A potential recovery out of this lawsuit is the cancellation of the mortgage made a basis of this suit.

4. Because the terms of this mortgage continue to create a financial hardship on Plaintiffs, Plaintiffs respectfully request a suspension of the mortgage payments to Defendant until completion of this lawsuit.
5. This remedy is not an extraordinary and has been afforded to other Plaintiffs in other pending lawsuits against Ameriquest Mortgage in order jurisdictions.

WHEREFORE, Plaintiffs respectfully pray this Court will move that monthly mortgage payments to Ameriquest Mortgage be suspended until completion of this lawsuit.

Respectfully submitted,

/s/April England-Albright
Counsel for the Plaintiff

OF COUNSEL:
Justice Group, Inc.
April England-Albright
116 Mabry Street
Selma, Alabama 36701
(334) 872-7589

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing order has been served upon opposing counsel this the 8th day of February 2007 through ECF filing system upon:

Ms. Kay K. Houser
Ms. Robin L. Beardsley
SIROTE & PERMUTT, P.C.
Post Office box 55727
Birmingham, Alabama 35255-5727

/s/April England-Albright

